

Division of Purchases' Sole Source Authorization Form

INSTRUCTIONS/GUIDELINES

Form Instructions: This form must accompany contracts being proposed for approval that are not the direct result of a competitive RFP or a subsequent renewal that was anticipated in the RFP. If the proposed contract is the direct result of a competitive RFP or an anticipated renewal, please complete the Competitive Award Authorization Form.

Program Administrator:	(Program/Staff who directly oversees services/contract)	Office/Division/Program:	
Phone:	(Program/Staff's telephone #)		
Agreement Amount:		CT Number:	
		DHHS Agreement Number:	
Start Date:		End Date:	
Vendor/Provider/ Company Name and Address:	(Vendor's mailing address)		
VC Number:			
Type of Service:			

1. Specific Problem or Need:

- Identify and fully describe the specific problem, requirement, or need that the contract is intended to address and which makes the services necessary.
- Explain how the department determined that the services are critical or essential to agency responsibilities or operations and/or whether the services are mandated by Maine statute.

(Make sure to follow the instructions and 1. State the need/problem/requirement and 2. How this contract (i.e. services) address the identified need/problem/requirement. You should **not** explain how the vendor can meet the needs in this section. This section is about the need for these services, not the vendor. Also, include how these services tie into the Department's, and your Office/Division's, responsibilities and/or operations. If mandated by statute, reference that statute and provide number - link is even better!)

2. Availability of other Public Resources:

Explain how the agency concluded that:

- Sufficient staffing or expertise is not available **within the department and not just within a departmental division** to perform the service, **and that**
- Other governmental resources (local, state, or federal agencies) **external to the department** are not available to perform the service more efficiently or more cost effectively than the requested sole source.

(This statement can be relatively brief if there are no public resources available. One of the main points of this section is to ensure we do not use contracts to provide services which the Department is responsible for providing itself.)

3. Uniqueness:

The supplies or services required are unique to a specific contractor.

- If the contractor has a unique capability, it is insufficient to simply say that the contractor is unique.
- Describe the unique qualifications, abilities, or expertise of the contractor and the necessity of those particular unique factors to meet the department's needs.
- If the contractor has unique equipment or facilities or he has proprietary data, fully explain, including the necessity of these particular unique assets to the Department.

(Please review list in the box above. This section is **not** simply asking for a vendor's qualifications - expertise, licensure, previous contract history (See #1 on the bottom of this form), etc. You need to show these qualifications are **unique to this vendor and no other vendor can meet the Department's need**. If we do not know if others can provide these services, that would be reason to go out to competitive bid. If you are not justifying sole source via uniqueness, you do not have to address this section.)

4. Timeframe:

Time is of the essence and only one known source can meet the Department's needs within the required timeframe.

- Provide the date by which the supplies or services must be delivered.
- Indicate how that date was determined and its significance.
- Indicate the impact of delay beyond that date in terms of program schedules, milestones, etc.
- State how long it would take another contractor to acquire the capability to perform (learning period), how much it would cost another contractor to get up to speed, and if appropriate, what it would cost the Department in terms of dollars and man-hours to get another contractor up to speed. State the bases for the above estimates.

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(Contracts which have a history of being renewed, and we are aware of the desire to renew again, do not usually fall under **Timeframe** justification for sole source (See #2 on the bottom of this form). If that is the situation with the contract you are sole sourcing, simply state "N/A" in this section.

You only address this section if you are justifying sole source due to **unforeseen** circumstances which require **immediate** action. You must explain how the time to go through a competitive process (RFP) will adversely affect the State of Maine (i.e. citizens, Department, etc.) and why this vendor was chosen. The vendor may not be "unique" but we should demonstrate they are the best choice to provide these services given the timeframe constraints.)

5. Cost:

Since competition was not used as the means for this procurement, explain how the department concluded that the costs, fees, or rates negotiated are fair and reasonable. Make either a comparison with similar contracts, use the results of a market survey, or describe another means calculated to make such a determination.

(This section must always be addressed. If using COST as a sole source justification, you must demonstrate how it was determined this vendor is saving the State money. An example is if there is an established market rate for services and the vendor is charging the State substantially less than the established market rate.

Regardless, you must explain how the agreement amount – top box on form – was negotiated. Purchases will want to ensure this amount is "fair and reasonable".)

6. State what is being done to foster future competition:

(This section must also be addressed. The response to this question can vary greatly depending on the contracted services and, at times, the nature of the funding source. Best approach is to provide any information you may have that shows the potential for these sole sourced services to be competitively bid in the future.)

**Approved by RFP
Manager:**

Date:

Limits on Sole Source Justification:

1. **Incumbency does not justify sole source.**
2. **Administrative delay or lack of advanced planning does not create an urgency or time frame requirement that justifies sole source.**